

### **REMARKS**

As an initial matter, Applicant notes with appreciation that the Examiner has indicated Applicant's drawings acceptable, and acknowledged Applicant's priority claim.

By entry of this amendment, claims 1-14 are pending in this application. Claims 1, 3-5, 8, 10, 12 and 13 have been amended. In view of foregoing amendments and following remarks, the Applicants request allowance of the Application.

#### **Objections to the Specification**

Applicant's have amended the Specification to comply with the formatting requirements of 37 C.F.R. §1.77(b).

#### **Objections of Claims 5-14 under 37 C.F.R. 175(c)**

Claims 5-14 are objected under 37 C.F.R. 1.75(c) as allegedly being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. Applicant has amended claims 5-14 to remove any multiple dependencies, thereby addressing the Examiner's objections. Applicant requests that the objection to the claims be withdrawn.

#### **Rejection of Claims 1-4 under 35 U.S.C. § 112, second paragraph**

Claims 1-4 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant traverses.

Applicant respectfully submits that the "said tube" recited in lines 14 and 21 refers to the tube of ion-permeable material recited over lines 2-3 of Applicant's as-filed claim 1. As illustrated in Applicant's Fig. 2, the tube 3 projects at each end of the cell from within the outer electrode 2. As illustrated, the outer electrode 2 ends at approximately element 14, while the tube 3 projects from within the outer electrode 2 to approximately element 17. The inner electrode 1 extends further than outer electrode 2 and projects from the tube 3. The tube 3 ends near port 6. Therefore, Applicant respectfully submits that claims 1-4 are definite. Accordingly, the rejection of claims 1-4 under 35 U.S.C. §112, second paragraph should be withdrawn.

**Rejections of Claims 1, 2 and 4 under 35 U.S.C. § 102**

Claims 1, 2 and 4 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Popov et al, (WO 98/58880). Applicant respectfully traverses.

Claim 1 recites:

...said tube projects at each end of the cell from within the outer electrode into said cavity of the fitting at that end and has ***an annular rim which is attached to the tube in abutment with the annular end of the tube and which engages*** an internal cylindrical wall of the cavity for liquid-tight sealing therewith to separate the inner and outer passageways from one another within the fitting

The above highlighted language is substantially illustrated in Applicant's Fig. 2 with respect to elements 3 and 17-19. The Office asserts that element 7 of Popov discloses or suggests the liquid tight seal recited to in the claim. (See page 4, first full paragraph, of the Office Action). As illustrated, element 7 of WO 98/58880 is not an annular rim having the above highlighted combination of features recited in Applicant's claim. WO 98/58880 discloses elastic, dielectric separators placed around the circumference of the tube to separate the tube from the outer electrode: "The working and auxiliary chambers 5, 6 are hermetically isolated one from the other (notwithstanding the semi-permeable ceramic diaphragm 4) by elastic, dielectric separators 7." Page 9, lines 17-21; *see also* Fig. 1. WO 98/58880 does not teach or suggest any other placement of the separators or recognize that there should be another placement of the separators to avoid damaging the tube during cell assembly.

The use of such elastic, dielectric separators may damage the somewhat fragile tube. Namely, such separators must be pushed tightly around the tube and also pushed along the tube a short distance thereby exerting a compressive force on the tube. Then, the tube must be squeezed into the outer electrode. This forced positioning of the separators increases the likelihood of damage to the tube during assembly.

In contrast, the annular rim as recited in the present claims is attached in abutment with the annular end of the tube rather than positioned in the tight space between the tube and the dielectric sleeve/outer electrode. By being attached in abutment with the annular end of the tube, the annular rim is easily attached to the tube without the need for excessive compressive force. Because the annular rim engages the cup-shape fitting, it also facilitates cell assembly without

the need to squeeze the tube tightly into the outer electrode. WO 98/58880 does not teach or suggest such an annular rim attached to the tube in abutment with the annular end of the tube. Accordingly, one of skill in the art would have no motivation to modify the separator such that it would also be in abutment with the annular end of the tube. Applicant's arrangement is advantageous because it provides for both a sliding freedom and a liquid-tight sealing without any strict dimensional requirement of the tube diameter.

Applicant respectfully submits that WO 98/58880 does not disclose or suggest such an arrangement as recited in claim 1. Accordingly, the rejection should be withdrawn and an indication of allowable subject matter be provided.

Applicant's dependent claims 2-15 in combination with independent claim 1 recite an additional level of detail that is not disclosed or suggested in the applied prior art. Therefore, claims 2-15 also define over the applied prior art.

### **CONCLUSION**

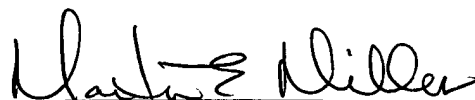
Applicant asserts that all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Kenyon & Kenyon Deposit Account No. **11-0600**.

The Examiner is invited to contact the undersigned at the telephone number below to discuss any matter concerning this application.

Respectfully submitted,

Dated: January 4, 2008

A handwritten signature in black ink, appearing to read "Martin E. Miller", written over a horizontal line.

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